

## UNITED STATES DISTRICT COURT

for the  
Western District of Washington

FILED	LODGED
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Dec 12, 2022	
CLERK U.S. DISTRICT COURT	
WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

In the Matter of the Search of  
*(Briefly describe the property to be searched  
or identify the person by name and address)*  
The Subject Premises located at 283 19th Avenue,  
Longview, Washington 98632 and described further  
in Attachment A.

Case No. MJ22-5291

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A, incorporated herein by reference

located in the Western District of Washington, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. 875(c)	Interstate communication of threats

The application is based on these facts:

- ☒ See Affidavit of Special Agent Benjamin Long, continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

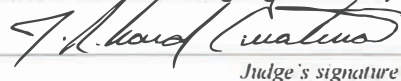
Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.

  
Applicant's signature

Special Agent Benjamin Long, FBI  
Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or  
☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: December 12, 2022

  
Judge's signature

City and state: Tacoma, Washington

J. Richard Creatura, United States Magistrate Judge  
Printed name and title

1                                   **AFFIDAVIT OF SPECIAL AGENT BENJAMIN LONG**

2 STATE OF WASHINGTON        )

3                                   )       ss

4 COUNTY OF PIERCE         )

5  
6           I, Benjamin Long, a Special Agent with the Federal Bureau of Investigation,  
7 Seattle, Washington, having been duly sworn, state as follows:

8                                   **AFFIANT BACKGROUND**

9           1.       I am employed as a Special Agent (SA) with the Federal Bureau of  
10 Investigation, and have been so employed since 2012. I am currently assigned to the  
11 Vancouver Resident Agency of Seattle FBI. While employed by the FBI, I have  
12 investigated federal criminal violations related to high technology or cybercrime, child  
13 exploitation, drug trafficking, counter-terrorism and violent crimes including cases  
14 involving threats of violence.

15          2.       I am an investigative law enforcement officer of the United States within  
16 the meaning of 18 U.S.C. § 2510(7).

17          3.       The facts set forth in this Affidavit are based on my own personal  
18 knowledge; knowledge obtained from other individuals during my participation in this  
19 investigation, including other law enforcement personnel; review of documents and  
20 records related to this investigation; communications with others who have personal  
21 knowledge of the events and circumstances described herein; and information gained  
22 through my training and experience. Because this Affidavit is submitted for the limited  
23 purpose of establishing probable cause in support of the Application for the search  
24 warrants, it does not set forth each and every fact that I or others have learned during the  
25 course of this investigation.

**INTRODUCTION AND PURPOSE OF AFFIDAVIT**

4. This Affidavit is being submitted pursuant to Federal Rule of Criminal Procedure 41 in support of an Application for a warrant authorizing the search of the following location, as further described in Attachment A, which is attached hereto and incorporated herein, for the items to be searched for and seized described in Attachment B, which is attached hereto and incorporated herein:

a. 283 19th Avenue, Longview, Washington 98632, a single-family residence (the **Subject Premises**), including any cellular phones within the residence that agents have reason to believe are owned or used by Mark LEONETTI.

5. Based on my training and experience and the facts as set forth in this Affidavit, there is probable cause to believe that Mark LEONETTI has committed violations of Title 18, United States Code, Section 875(c) (Interstate Communication of Threats). Those violations were committed using a device that, at the time of the violations, used the phone number 971-998-5817 (the “phone number ending in -5817”). There is also probable cause to believe that the **Subject Premises** contains evidence, in the form of evidence of LEONETTI’s dominion and control and cellular phones used by LEONETTI, of the aforementioned offenses. As such, there is probable cause to search the locations described in Attachment A, including any cellular phone that law enforcement has reason to believe is owned or used by LEONETTI, for evidence, instrumentalities, or contraband of these crimes, as described in Attachment B. Obtaining the information sought in this Affidavit is necessary to further the investigation into these offenses.

**SUMMARY OF PROBABLE CAUSE**

**A. LEONETTI's course of conduct**

6. On March 2, 2021, at approximately 1357 hours, staff for U.S. Senator 1's<sup>1</sup> office notified the United States Capitol Police (USCP) Threat Assessment Section (TAS) about a voice message from the phone number ending in -5817. The voicemail contained the statements: "If [U.S. Senator 3] is delusional. Am I here to kill [U.S. Senator 3] because I'm clinical. No, I'm not clinical. If [U.S. Senator 3] is delusional and I'm still here to kill him, I'm not clinical. [U.S. Senator 3] is delusional. I'm here to kill him for some reason related to ... [incomprehensible]." A USCP Special Agent obtained information from AT&T Corporation ("AT&T") that the subscriber for the phone number ending in -5817 was named "Mark Leonetti" and had an address in Portland, Oregon. Call logs received from AT&T further confirmed that phone calls had been made from the number ending in -5817 to U.S. Senator 1's office. According to AT&T, the phone call was made at a time when the phone was in the vicinity of coordinates describing a location near 285 19th Avenue, Longview, WA, which is next door to the **Subject**

**Premises.**

7. The USCP subsequently contacted the Vancouver Resident Agency of FBI Seattle to request investigative assistance. The FBI and USCP located an individual named Mark LEONETTI residing in Longview, WA, with an address in public records searches listed as 283 19th Avenue, Longview, WA.

8. The FBI subsequently contacted a detective in Washington County, Oregon, where LEONETTI was listed as having previously resided. The detective related that according to local law enforcement records, in June 2020, Washington County Behavioral Health workers had gone to LEONETTI's residence in Oregon after a call came in. LEONETTI tried to record the contact using his phone when law

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<sup>1</sup> The names of the victim political officials have been anonymized in this affidavit.

1 enforcement contacted him. The detective also conveyed that Washington County's  
2 Behavioral Health team had stated or noted that LEONETTI is paranoid schizophrenic.

3 9. During an initial follow-up interview with myself and Longview Police  
4 Department officers, LEONETTI denied making any phone calls to any U.S. Senators or  
5 making threats. He also acted erratically, including running back into his residence to  
6 retrieve his cell phone, which he held on his shoulder during the interview while stating  
7 he had "Russia" on the line. LEONETTI did, however, confirm his phone number was  
8 971-998-5817. When asked if he intended to harm or kill U.S. Senator 3, he responded  
9 nonsensically, but then said "only if justified." Based on my familiarity with  
10 LEONETTI's voice from this interview, I recognize his voice as the speaker leaving the  
11 voicemails transcribed below.

12 10. During the rest of 2021, LEONETTI went on to leave over 400 voicemails  
13 at the office phone numbers for numerous U.S. Senators and Representatives of both  
14 political parties. In one such voicemail, LEONETTI stated, apparently referencing my  
15 visit in March, that "potentially ... someone has been listening to [U.S. Senator 1]'s  
16 messages because they sent an FBI f\*\*\*\*\* out." He went on to make statements about  
17 U.S. Senator 3's death.

18 11. On September 2, 2022, LEONETTI left seven voicemails in the voicemail  
19 box of a phone number for U.S. Representative 1's office. Among those voicemails were  
20 two that I have attempted to transcribe below, with each call in a separate subparagraph.  
21 The transcriptions may not be perfect, because some of the terms are not clearly spoken; I  
22 may therefore alter my view of what was said after listening to the voicemails again at a  
23 later time. Although I have marked certain portions as "[incomprehensible]" or  
24 "[unknown]" at this point, the words spoken by LEONETTI may be comprehensible to  
25 me after further playback or using other tools.

26 a. Okay, so the reason I'm going to murder and barbecue the Capitol  
27 Police then, because you're [incomprehensible] you dead f\*\*\*\*\*! U.S. the state



1 side, State Department f\*\*\*\*\*. And you're doing it in politics, in partisan  
 2 American domestic politics. You need to get U.S. Department of State state side  
 3 for f\*\*\*\*\*. **So we're going to barbecue your ass. We're going to peel your ass**  
 4 **inside out.** You stupid cum-sucking g\*\*\* race. And at the end of the day, the  
 5 Eugene, Oregon BLMs are the bigger colonialists than your MAGAs are anyway.  
 6 I understand it's a personal score for you after January 6th, you f\*\*\*\*\*. But  
 7 they're still, even those MAGAs from January 6th of 2021 aren't the colonialists  
 8 that a Eugene BLM is. And you didn't think of it first! You didn't think of  
 9 militarizing the DOJ first anyway! The guy that thought of doing it against the  
 10 bigger colonialists thought of it already, too!

11 b. It's that Kissinger that's laughing at you dead g\*\*\* meats, because  
 12 he did call it. It's the Rochester you don't make. The only Rochester you would  
 13 get to get in on, and we wouldn't need these shit f\*\*\*\*\* like the Capitol Police  
 14 for anyway. Nope. By statute, by any other, right, by any other fucking measure  
 15 either, you don't need f\*\*\*\*\* g\*\*\*s, misfits like your fucking g\*\*\* asses for one,  
 16 for this or Rochester ever possibly, g\*\*\* fucking f\*\*\*\*\* race. Now what  
 17 Rochester did you pick up if you're not supposed to be associating with  
 18 [incomprehensible]? And they want to call themselves professionals still, right?  
 19 Wait a minute. What g\*\*\* [incomprehensible]. How many do you have? Look at  
 20 all the tin badges you have. 'Cause it's the wrong one. You go after the MAGAs  
 21 before you go after the Eugene, Oregon BLMs that way. And it's the wrong move  
 22 and the [incomprehensible] is in Rochester. I'm not here to defend the MAGAs.  
 23 **I'm going to murder you f\*\*\*\*\* for going the wrong way on Rochester with**  
 24 **whatever Rochester f\*\*\*\*\* you're with.**

25 12. In the other voicemails, which were not always coherent, LEONETTI made  
 26 other references to "murder[]" or "kill[ing]."  
 27

1           13.     USCP obtained call records and location information for September 2, 2022  
2 from AT&T for the phone number ending in -5817. The phone toll records show that the  
3 user of the -5817 phone number had called the office of U.S. Representative 1 on nine  
4 occasions between 11:54 PM PT on September 1, 2022 and 12:22 AM PT on September  
5 2, 2022, and most recorded location information was within the vicinity of the **Subject**  
6 **Premises.**

7           14.     After these voicemails, on a date between September 12 and 15, 2022,  
8 LEONETTI was again contacted, this time by emergency mental health workers, at the  
9 request of the Longview Police Department. Two police officers accompanied the EMH  
10 workers. One of the EMH workers reported that, during her conversation with  
11 LEONETTI, she informed him that his voicemails were threatening; he did not deny as  
12 much. He denied owning a firearm but claimed to possess other weapons. He denied any  
13 intent to go to D.C. or harm others. LEONETTI also made other statements during this  
14 conversation that were nonsensical.

15           15.     Between September 23 and 25, 2022, LEONETTI left 32 voicemails in the  
16 voicemail box of a phone number for U.S. Senator 1's office. My rough transcription of  
17 three of those calls are below, with each call in a separate subparagraph. The same  
18 caveats noted above about my transcriptions apply. In these voicemails, LEONETTI  
19 appears to refer several times to his visit, two weeks earlier, from the EMH workers with  
20 Longview police officers.

21           a.     So they said "she." They gave up "she." Does that leave what, does  
22 that leave Feinstein this time? If it doesn't leave [U.S. Representative 1]. Maybe it  
23 was [U.S. Representative 1] instead of you, you filthy f\*\*\*\*\* fucking g\*\*\* race  
24 whore. **Well, so I'm gonna murder you. It is justified.** You go ahead, you  
25 circumvent the feds again whore! When you do forget to tell them he might be the  
26 von Braun murderer already! Again, justified murder!

1           b.       Now, dead, dead g\*\*\* meat. Uh, we're gonna follow, we're gonna  
2 murder the Longview Police f\*\*\*\*\* right back to you. Guess how? Guess who  
3 rips already with both [unknown] and [unknown]. Stupid dead whore. You called  
4 the locals. You called. Okay. Wasn't [U.S. Representative 1], [U.S. Representative  
5 1] did? Too bad it wasn't you. We'd have followed you. We'd have followed them  
6 right back to Minnesota. You sure it wasn't you and Jesse Ventura stuff you called  
7 the locals about in a Charles Turner, uh, Weekend at Bernie's. **Are you sure it**  
8 **wasn't you? Please be you bitch. Please be.** You stupid Jew meat bitch. Jew  
9 meat? I mean, coincidentally, it's American Karen, maybe Adam made you to be  
10 as big a Karen as you are K Sax fucking princess. Please have been you [U.S.  
11 Senator 1]. Uh, that rep, the Longview Police f\*\*\*\*\* you did try to alert are  
12 already with [unknown] and [unknown]. In a, bitch, in a Weekend at Bernie's  
13 Charles Turner. **Okay? So I hope it was you. Bye-bye, adios if it was.** And I  
14 [bet/get] you delicious g\*\*\* meat. Yeah Jew meat or not g\*\*\* meat, you know,  
15 that's [incomprehensible]. However retarded it is! Rip is a fugitive. "You know  
16 you can't murder retards!" Oh yeah, you can't. Fugitive delusionals! It's a  
17 fugitive, fucking delusional! But they're in contempt 'cause every last one of them  
18 is a Rajneeshee [incomprehensible] ring and a von Braun g\*\*\*. They are a von  
19 Braun Nazi American fucking joke. Okay? So, like it or not Jew bitch.

20           c.       Here I am killing Joe because he's a von Braun, a von Braun  
21 hypocrite. He is a von Braun hypocrite. Weekend at Bernie's included, otherwise  
22 just a American foreign policy hypocrite. Geneva Convention, American foreign  
23 policy hypocrite. Okay, well you wanna know why, why I was killing Joe? It's  
24 'cause he was just fighting for things like, [incomprehensible], but I'm a denier so  
25 I can't admit it at the same time. Because you are a Hiroshima fucking denier Jew.  
26 Hiroshima denier Jew. The von Braun, von Braun, Hiroshima denier Jew whore. K  
27 Sax Jew whore. F\*\*\*\*\*. West German Jew. Yeah. Yeah. Now even if you are



1 delusional when we murder you, you don't have to sober up to that. **We're just**  
 2 **gonna murder you here bitch. The barbecue. Go ahead. You already been**  
 3 **delusional all this much of your life, right? But when we barbecue you, maybe**  
 4 **you will have been too. Maybe it makes you sushi.** Maybe you'll be like  
 5 [unknown] for it.

6 16. That these phone calls referred to the Longview Police Department and  
 7 accused U.S. Senator 1 of having "called the locals," just days after LEONETTI was  
 8 visited by EMH workers in coordination with the Longview Police Department and in  
 9 response to voicemails left at another politician's office, also circumstantially establishes  
 10 that these voicemails were left by LEONETTI with the purpose of threatening or with the  
 11 knowledge they would be perceived as threatening.

12 17. From October 15-19, 2022, Leonetti left seven voicemails in the voicemail  
 13 box of a phone number for U.S. Senator 2's office. My rough transcription of one of  
 14 those calls is below.

15 a. Okay so they wanted the Jew bred out of you before they  
 16 barbecued you, without your being in office. That's what they want you  
 17 holding public office. That might be the January 6th on you, there could be  
 18 a ton of them. Maybe Hatfield is, maybe Gordon is, maybe just Muriel  
 19 Bowser, not in a state, Muriel Bowser of the mayor's office is. Where are  
 20 you trying to work out of right now? Is DOJ there with you? How about  
 21 Muriel Bowser? She is still too, yes DOJ, for the duration of it, till you're  
 22 barbecued brother. I get. Is that Capitol Police jurisdiction? No, not what  
 23 they caught you in, [U.S. Senator 2], no. Now it's also Charles Turner  
 24 statute, if you got it from the wrong Mark Hatfield, especially via Gordon  
 25 Smith. You hear about that? Is that the Tualatin Valley fire and rescue  
 26 firehouse we murdered all you f\*\*\*\*\* at? Out of? You tried to occupy it.

27 **And what do we do to you with you there? That's why we do that. We**

1 peel you, inside out, it's called a Fort Vanc—cause you must not be  
 2 from town, it's a Fort Vancouver lollipop, and you eat the meat off the  
 3 inside, and they can come and fart and piss and shit on itself, all over  
 4 its face, at the same time, and get it right? It's real Fort Vanc, Fort  
 5 Vancouver lollipop, f\*\*\*\*\*, yeah. I don't know if that's the Hollywood  
 6 lollipop guilds, are calling you, that's what Fort Vancouver calls you.  
 7 Maybe that's the difference between us and them, maybe they're calling  
 8 you the same thing we are, partner. I don't know. Do you know it had to  
 9 do with Hollywood? 'Cause then from there it's to the [incomprehensible]  
 10 American oligarch. I'm not with the Russians. Those fight club American  
 11 oligarchy and a few other things. Uh, I get out of the Russians' way  
 12 because it's also the American oligarchy, and [Cruz/Cruise], and he's the  
 13 known propagandist too. And he might have tried to run to Ukraine. Was  
 14 he running from the Russians to Ukraine, instead of from me there, we  
 15 don't know. Or do you, you know? It's both of them, they weren't even  
 16 working [incomprehensible] each other. What explains to the fire, [cuts  
 17 out] here's why the feds are gonna make sure you get fucking barbecued  
 18 right, what's left of you, [U.S. Senator 2]. What did you set Biden up for?  
 19 What did you set Biden up for this week?

20 18. On October 26, 2022, Leonetti left four voicemails in the voicemail box of  
 21 a phone number for U.S. Representative 2's office. My rough transcription of two of  
 22 those calls is below, with each call in a separate subparagraph:

23 a. So you, you aren't then a greaseball Hitlerini, because you're  
 24 a Jew. Because you're a Hitler Jew. Hitlerini Jew or whatever. So  
 25 technically you're not Iranian enough to be Hitlerini. You little Hitler Jew,  
 26 yeah he's a little Hitler Jew, to [incomprehensible] to be Hitler Jew, you  
 27 mean. You gotta [incomprehensible] was the Hatfield Rajneeshee.

1 Hatfield Democrat Rajneeshee. If Kissinger's signing off on it, it's not  
 2 clinical, neither is Kinskey. If not, we can definitely notarize that, you Jew  
 3 blood idiot, obviously you played right into it. **Jew mouth. Jew blood.**  
 4 **We need to get you back to Israel so we can kill you there**, otherwise  
 5 someone [incomprehensible] will beat us to it, because there's plenty of  
 6 statutes that apply to you by now. You worthless fucking Jew mouth. Why  
 7 aren't you a Hitlerini, then? You think you're gonna suck off Schulz, and  
 8 not be a Hitlerini? Wait, your Schulz is Hitlerini. I've found out which  
 9 Hitlerini she is, if she's a Hitlerini you must be. You won't  
 10 [incomprehensible] "I can't! I'm a Jew capo! You can't call me a Hitlerini.  
 11 I'm the Jew capo sucking off Schulz. You thought Zelensky was. Well,  
 12 what does that make [U.S. Representative 2]?"

13 b. **So Leonettis have always killed [U.S. Representative 2's**  
 14 **last name]s before, and it has never had anything to do with the**  
 15 **Holocaust.** In fact, even through it when [U.S. Representative 2's last  
 16 name]s were sucking off Shulzes, and Leonettis were killing Schulzes, too.  
 17 **Since before the Holocaust, Leonettis have always killed [U.S.**  
 18 **Representative 2's last name]s and Schulzes. That's why it's not déjà**  
 19 **vu for you now, either maybe, f\*\*\*\*\*.**

20 19. The earliest calls from LEONETTI's -5817 phone number to a political  
 21 official in 2021 that I am aware of occurred in February 2021, to U.S. Representative 2's  
 22 office. The latest calls from that phone number occurred just one week ago, on  
 23 December 5, 2022, to U.S. Senator 4's office. The latest calls included additional  
 24 statements about "murder" and "kill[ing]" individuals.

25 **B. Connection of LEONETTI and Leonetti's device to the Subject Premises**

26 20. As described above, in addition to public-records checks showing that  
 27 LEONETTI's address is the **Subject Premises**, law enforcement has on two occasions

1 visited LEONETTI at that address, in March 2021 and September 2022 (on the latter  
2 occasion, with mental health emergency workers). A third contact occurred in late June  
3 or early July 2021, when local mental health emergency workers visited LEONETTI at  
4 his address. In addition, the subscriber address provided by AT&T for the phone number  
5 associated with LEONETTI—the phone number ending in -5817—is the **Subject**  
6 **Premises**, and LEONETTI was the named subscriber. Finally, on at least two occasions,  
7 in March 2021 and September 2022, the USCP obtained location information from  
8 AT&T, for the device using the phone number ending in -5817, for the time period when  
9 threatening phone calls were made. Several of the pings (location information) provided  
10 placed the device using that number either within or very close to LEONETTI's  
11 residence. Thus, there is probable cause to believe that LEONETTI resides in the  
12 **Subject Premises**.

13         21. Based on my training and experience, individuals commonly have within  
14 their primary residence evidence of their residency, such as mail or documents with their  
15 name on it, or other documents indicating dominion and control. For the reasons given  
16 above, there is probable cause to believe the **Subject Premises** contains evidence of  
17 LEONETTI's dominion and control over that residence. Given that at least the  
18 threatening phone calls to U.S. Representative 1 were placed near or within that  
19 residence, that evidence of dominion and control is also circumstantial evidence that  
20 LEONETTI placed those phone calls.

21         22. For many of the same reasons, there is probable cause to believe that the  
22 device or devices LEONETTI used to make the threatening phone calls described above  
23 is contained in that residence. LEONETTI has admitted previously that the phone  
24 number ending in -5817 is his phone number. As noted, location information during one  
25 series of calls to U.S. Representative 1 in early September 2022 showed the device using  
26 that -5817 phone number to be within or near to LEONETTI's residence. And in March  
27 2021, when LEONETTI was interviewed at his residence, he retrieved a phone from

1 within the house and purported to “record” the conversation. I believe the **Subject**  
2 **Premises** is LEONETTI’s residence for the reasons outlined above, and in my experience  
3 most individuals keep their cell phones with them in their residence when they are within  
4 that residence. Finally, I am unaware of any other individual living within the house, and  
5 I have received no information that anyone else was present during any of the prior  
6 contacts with LEONETTI. I did not see anyone else at the residence, or signs that  
7 someone else was living there, when I visited LEONETTI in March 2021. According to  
8 the county assessor’s office, the residence is only 720 square feet.

9 23. LEONETTI’s cell phone devices are likely to contain evidence of  
10 LEONETTI’s crimes. For example, based on my training and experience, I know that:

11 a. The assigned number to the cellular telephone (known as the mobile  
12 directory number or MDN), and the identifying telephone serial number (Electronic  
13 Serial Number, or ESN), (Mobile Identification Number, or MIN), (International Mobile  
14 Subscriber Identity, or IMSI), or (International Mobile Equipment Identity, or IMEI) are  
15 important evidence because they reveal the service provider, allow us to obtain subscriber  
16 information, and uniquely identify the telephone. This information can be used to confirm  
17 that LEONETTI’s cell phone, or which of LEONETTI’s cell phones if he has multiple  
18 phones, is the phone used to leave the threatening voicemails described in this affidavit.

19 b. From my training and experience, I know that users of cell phones  
20 who purchase new cell phones often transfer data from their old cellular phone to their  
21 new phone, to retain valuable information such as contact information, photographs, or  
22 text messages. In addition, I know that even if such a user reassigns his phone number  
23 from the old cellular phone to the new cellular phone, the old cellular phone can retain  
24 data for some period of time unless the SIM card is removed or the data is otherwise  
25 deleted by the user.

26 c. The stored list of recent received calls and sent calls on one of  
27 LEONETTI’s cell phones is also important evidence to corroborate that LEONETTI



1 made the phone calls described above. In addition, given the overwhelming volume of  
2 phone calls made by LEONETTI to various political officials—some of which may not  
3 be known to the USCP because they were not reported to the USCP—that call history  
4 may uncover additional threatening calls or voicemails made or left by LEONETTI.

5 d. Although LEONETTI's threats described in this affidavit came in  
6 the form of voicemails, his stored text messages and emails, in my training and  
7 experience, are likely to contain evidence relevant to those threats. For example, those  
8 text messages and emails could help establish who was using the device at the time the  
9 voicemails were left. The text messages and emails also seem likely to contain  
10 information helpful to understanding the meaning of some of LEONETTI's threats.  
11 LEONETTI's threats often include obscure references to historical events (e.g., the  
12 "Rajneeshee" movement in Oregon in the 1980s), other political actors, or local officials  
13 in the area where he lives. This information would be important evidence of  
14 LEONETTI's intent, or the objective meaning of the threatening statement. Given the  
15 frequency with which LEONETTI makes references to these things in his voicemails—  
16 often multiple times per voicemail—and in conversation, it appears likely that any  
17 written communications on his phone would at times delve into the same subject matter.

18 e. Photographs, videos, and stored documents on his phone would also  
19 be evidence of the user of the phone. For example, a photograph of LEONETTI or  
20 LEONETTI's residence taken around the time of the threatening calls described in this  
21 affidavit would be circumstantial evidence of the user of the phone at the time of the  
22 calls.

23 f. Stored web browsing history is important evidence because it shows  
24 the user's activities, queries, subjects, and places of interest. Here, that information could  
25 include whether LEONETTI looked up particular political officials (including the  
26 subjects of the threats described in this affidavit); the phone numbers of their offices  
27

(information that was likely obtained via the internet); the historical events or other things described in the threats; or other such information.

g. Finally, stored location data, including from any map applications on the cell phone or portable digital device, are important evidence because the data can show where the user of the phone was during the time of particular phone calls. Again, if that location information shows the phone was within LEONETTI's residence, that is circumstantial evidence that LEONETTI was the caller. Such location information would also be evidence that LEONETTI's calls were (or were not) interstate.

### **BIOMETRIC ACCESS**

24. The warrant I am applying for would permit law enforcement to obtain from certain individuals the display of physical biometric characteristics (such as fingerprint, thumbprint, or facial characteristics) in order to unlock devices subject to search and seizure pursuant to this warrant. I seek this authority based on the following:

a. I know from my training and experience, as well as from information found in publicly available materials published by device manufacturers, that many electronic devices, particularly newer mobile devices and laptops, offer their users the ability to unlock the device through biometric features in lieu of a numeric or alphanumeric passcode or password. These biometric features include fingerprint scanners and facial recognition features. Some devices offer a combination of these biometric features, and the user of such devices can select which features they would like to utilize.

b. If a device is equipped with a fingerprint scanner, a user may enable the ability to unlock the device through his or her fingerprints. For example, Apple offers a feature called "Touch ID," which allows a user to register up to five fingerprints that can unlock a device. Once a fingerprint is registered, a user can unlock the device by pressing the relevant finger to the device's Touch ID sensor, which is found in the round button (often referred to as the "home" button) located at the bottom center of the front of

1 the device. The fingerprint sensors found on devices produced by other manufacturers  
2 have different names but operate similarly to Touch ID.

3 c. If a device is equipped with a facial recognition feature, a user may  
4 enable the ability to unlock the device through his or her face, iris, or retina. For example,  
5 Apple offers a facial recognition feature called “Face ID.” During the Face ID  
6 registration process, the user holds the device in front of his or her face. The device’s  
7 camera then analyzes and records data based on the user’s facial characteristics. The  
8 device can then be unlocked if the camera detects a face with characteristics that match  
9 those of the registered face. Facial recognition features found on devices produced by  
10 other manufacturers have different names but operate similarly to Face ID.

11 d. While not as prolific on digital devices as fingerprint and facial-  
12 recognition features, both iris and retina scanning features exist for securing devices/data.  
13 The human iris, like a fingerprint, contains complex patterns that are unique and stable.  
14 Iris recognition technology uses mathematical pattern-recognition techniques to map the  
15 iris using infrared light. Similarly, retina scanning casts infrared light into a person’s eye  
16 to map the unique variations of a person’s retinal blood vessels. A user can register one  
17 or both eyes to be used to unlock a device with these features. To activate the feature, the  
18 user holds the device in front of his or her face while the device directs an infrared light  
19 toward the user’s face and activates an infrared sensitive camera to record data from the  
20 person’s eyes. The device is then unlocked if the camera detects the registered eye.

21 e. In my training and experience, users of electronic devices often  
22 enable the aforementioned biometric features because they are considered to be a more  
23 convenient way to unlock a device than by entering a numeric or alphanumeric passcode  
24 or password. Moreover, in some instances, biometric features are considered to be a more  
25 secure way to protect a device’s contents. This is particularly true when the users of a  
26 device are engaged in criminal activities and thus have a heightened concern about  
27 securing the contents of a device.

1           f.       As discussed in this affidavit, based on my training and experience  
2 and the facts in this case, I believe that one or more digital devices will be found during  
3 the search. The passcode or password that would unlock the device(s) subject to search  
4 under this warrant is not known to law enforcement. Thus, law enforcement personnel  
5 may not otherwise be able to access the data contained within the device(s), making the  
6 use of biometric features necessary to the execution of the search authorized by this  
7 warrant.

8           g.       I also know from my training and experience, as well as from  
9 information found in publicly available materials including those published by device  
10 manufacturers, that biometric features will not unlock a device in some circumstances  
11 even if such features are enabled. This can occur when a device has been restarted,  
12 inactive, or has not been unlocked for a certain period of time. For example, Apple  
13 devices cannot be unlocked using Touch ID when (1) more than 48 hours has elapsed  
14 since the device was last unlocked or (2) when the device has not been unlocked using a  
15 fingerprint for 4 hours *and* the passcode or password has not been entered in the last 156  
16 hours. Biometric features from other brands carry similar restrictions. Thus, in the event  
17 law enforcement personnel encounter a locked device equipped with biometric features,  
18 the opportunity to unlock the device through a biometric feature may exist for only a  
19 short time.

20           h.       In my training and experience, the person who is in possession of a  
21 device or has the device among his or her belongings at the time the device is found is  
22 likely a user of the device. However, in my training and experience, that person may not  
23 be the only user of the device, and may not be the only individual whose physical  
24 characteristics are among those that will unlock the device via biometric features.  
25 Furthermore, while physical proximity is an important factor in determining who is the  
26 user of a device, it is only one among many other factors that may exist.

1           i.       Due to the foregoing, I request that if law enforcement personnel  
2 encounter a device that is subject to search and seizure pursuant to this warrant and may  
3 be unlocked using one of the aforementioned biometric features, and if law enforcement  
4 reasonably believes LEONETTI is a user of the device, then—for the purpose of  
5 attempting to unlock the device in order to search the contents as authorized by this  
6 warrant—law enforcement personnel shall be authorized to:(1) press or swipe the fingers  
7 (including thumbs) of LEONETTI to the fingerprint scanner of the device; and/or (2)  
8 hold the device in front of the face and open eyes of LEONETTI and activate the facial,  
9 iris, or retina recognition feature.

10           j.       In pressing or swiping an individual's thumb or finger onto a device  
11 and in holding a device in front of an individual's face and open eyes, law enforcement  
12 may not use excessive force, as defined in *Graham v. Connor*, 490 U.S. 386 (1989);  
13 specifically, law enforcement may use no more than objectively reasonable force in light  
14 of the facts and circumstances confronting them.

15 //

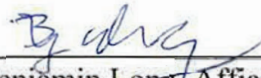
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CONCLUSION

25. Based on the foregoing, I submit there is probable cause to believe that contained within the **Subject Premises** described in Attachment A (including the cellular telephones described in Attachment A) there exists evidence, fruits, and instrumentalities, as described in Attachment B, of violations of 18 U.S.C. § 875(c) (interstate communication of threats) committed by Mark LEONETTI.

  
Benjamin Long, Affiant  
Special Agent, FBI

The above-named agent provided a sworn statement to the truth of the foregoing affidavit by telephone on the 12th day of December, 2022.

  
THE HON. J. RICHARD CREATURA  
Chief United States Magistrate Judge

ATTACHMENT A

Location to Be Searched

The property to be searched consists of the following location:

- a. 283 19th Avenue, Longview, Washington 98632, a single-family residence (the **Subject Premises**), as depicted below.



The authority to search extends to all parts of the property, including main structure, garages, storage structures, outbuildings, and all vehicles, containers, compartments, or safes located on the property, whether locked or not, where the cellular phones (including smart phone) described in this Attachment A or the items described in Attachment B (list of items to be seized) could be found.

1           b. Any cellular telephone (including smart phones) within the **Subject**  
2 **Premises** described in Paragraph a of this Attachment A that is capable of containing and  
3 reasonably could contain fruits, evidence, contraband, or instrumentalities described in  
4 paragraph 3 of Attachment B, and that law enforcement has reason to believe is owned or  
5 used by Mark LEONETTI.

**ATTACHMENT B**

**Particular Things to be Seized**

This warrant authorizes the seizure of the following evidence, fruits, and/or instrumentalities, in whatever form and however stored, of the commission of violations of 18 U.S.C. § 875(c) (interstate communication of threats) committed by Mark LEONETTI, from between January 1, 2021 and the present:

1. Evidence of dominion and control over the **Subject Premises** described in Paragraph a of Attachment A.

2. Any cellular telephone that law enforcement has reason to believe is owned or used by Mark LEONETTI, and that is capable of containing and reasonably could contain the evidence described in Paragraph 3 of this Attachment B.

3. For any such cellular telephones, the following information and/or records for the period January 1, 2021 through the present:

a. Assigned phone number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);

b. Stored list of recent received, sent, and missed calls;

c. Stored contact and address information;

d. Stored photographs, videos, or documents/files that are evidence of the user of the device or of the commission of violations of 18 U.S.C. § 875(c), including any embedded GPS data associated with those photographs;

e. Stored text messages—including Apple iMessages, Blackberry Messenger messages, Facebook messenger, or other similar messaging services where at least some messages or data is stored on the telephone—that are evidence of the user of the device or of the aforementioned crimes of investigation;

f. Stored emails that are evidence of the user of the device or of the aforementioned crimes of investigation;

1           g.       Stored voicemails that are evidence of the user of the device or of  
2 the aforementioned crimes of investigation;

3           h.       Stored web browsing history that are evidence of the user of the  
4 device or of the aforementioned crimes of investigation;

5           i.       Stored location data, including from any map applications on the cell  
6 phone.

7           j.       Evidence of who used, owned, or controlled the cellular telephone at  
8 the time the things described in this warrant were created, edited, or deleted, such as logs,  
9 registry entries, configuration files, saved usernames and passwords, documents,  
0 browsing history, user profiles, email, email contacts, chat, instant messaging logs,  
1 photographs, and correspondence.

2       To be clear, this warrant authorizes law enforcement agents, including sworn and  
3 non-sworn personnel, to review and search (on or off-site) the cellular telephones  
4 described in Paragraph 2 of this Attachment B for the fruits, evidence, information,  
5 contraband, or instrumentalities described in Paragraph 3 of this Attachment B without  
6 seeking additional authorization to do so.

7       This review may be conducted by any federal or local government personnel,  
8 sworn or non-sworn, assisting in the investigation, who may include, in addition to law  
9 enforcement officers and agents, federal and local contractors and support staff, attorneys  
20 for the government, attorney support staff, and technical experts. Pursuant to the  
21 requested warrant, the FBI may deliver a complete copy of the electronic data to the  
22 custody and control of attorneys for the government and their support staff for their  
23 independent review.

24       During the execution of the search of the **Subject Premises** described in  
25 Attachment A, if law enforcement encounters a smartphone or other electronic device  
26 equipped with a biometric-unlock feature, and if law enforcement reasonably believes  
27



1 Mark LEONETTI is a user of the device, then—for the purpose of attempting to unlock  
2 the device in order to search the contents as authorized by this warrant—law enforcement  
3 personnel are authorized to: (1) press or swipe the fingers (including thumbs) of Mark  
4 LEONETTI to the fingerprint scanner of the device; and/or (2) hold the device in front of  
5 the face and open eyes of Mark LEONETTI and activate the facial, iris, or retina  
6 recognition feature.

7       In pressing or swiping an individual's thumb or finger onto a device and in  
8 holding a device in front of an individual's face and open eyes, law enforcement may not  
9 use excessive force, as defined in *Graham v. Connor*, 490 U.S. 386 (1989); specifically,  
0 law enforcement may use no more than objectively reasonable force in light of the facts  
1 and circumstances confronting them.